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Background:

Prior to establishing eligibility and determining the CalFresh allotment, explore the living situation (household composition) of all individuals residing together to determine which of them will be considered household members.

To determine which individuals will be included in the CalFresh household, evaluate the relationship among the members and evaluate how their meals are purchased and prepared.

- You are responsible to determine household composition by deciding which people will be included in the CalFresh household.
- The applicant is responsible for providing complete and correct information on which to base this determination.

Policy:

63-101.1 Verification Requirements:

Any factor concerning the determination of household composition or size will be verified only if deemed questionable. To be considered questionable the information on the application must be inconsistent with statements made by the applicant household, with other information on the current or previous applications, or with information received by the Health and Human Services Agency (HHSA) as explained in [Processing Guide #117-01](#)

Documentary evidence of collateral contacts, as defined in [Processing Guide #117-01](#) must be used for verification of questionable information if household cannot provide clarification. The reason(s) for considering any factor as questionable, and the subsequent verification requested for clarification must be documented in case comments or on the application form.

63-101.2 Factors for determining household composition:

The following will assist staff with the determination of household composition:

A. CalFresh Household

A CalFresh household is an individual or group of individuals who live together and customarily purchase and prepare meals together for home consumption. A CalFresh household is also determined by the relationship that exists among its members.

The restricted relationships specified in [63-101.4](#), take priority when determining household composition.

B. Joint Custody

When there is equal (50/50) joint physical custody, and the living arrangements are that the child lives with each parent an equal number of days per month, determine CalFresh household composition by the following guidelines:

1. If it can be established that the child takes a majority of meals in a month with one of the parents, the child may participate with the parent providing the majority of the meals in any given month.

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2. Where the child eats an equal number of meals with each parent, or the majority changes monthly, the first custodial parent to apply may participate with the child, unless the two custodial parents agree otherwise.

When custodial parents agree with whom the child will participate, the child may participate with that parent regardless of where the majority of meals are taken in any given month.

C. Parental Control

A minor child (under 18) not living with a parent, will be considered under parental control of the adult with whom he/she resides unless the minor:

1. Has entered into a valid marriage. Divorce or dissolution of this marriage does not affect the minor's status of being considered not under parental control;
2. Is on active duty in the U.S. armed forces; or
3. Has been emancipated by a court order.

If none of the factors 1 to 3 exists, assess the relative importance of the criteria below for each individual case in determining whether parental control exists:

- a. He/she is economically self-supporting and managing his/her own affairs. There is no specific minimum dollar amount needed to determine self-support. If separate household status is claimed, the amount of liquid resources or income must be sufficient to meet the minor's known living expenses.
- b. He/she is approaching his/her 18th birthday. Minors who apply in the calendar month prior to the month, in which their 18th birthday occurs, will be considered as approaching their birthday, and their age becomes the significant factor in determining the minor as not being under parental control.
- c. He/she is absent from the adult with whom he/she is residing for significant periods of time and comes and goes without the adult's approval.

The factor(s) determining a minor to be not under parental control and therefore, eligible to separate household status shall be documented in the case comments or on the CalFresh application

D. Spouse

Refers to either of two individuals who would be defined as married to another individual under applicable state law or who are cohabitating and representing themselves to the community as spouse to relatives, friends, or neighbors.

E. Unaccompanied Homeless Youths

Unaccompanied homeless youths are individuals who are not in the physical custody of a parent or guardian. There is no age requirement to apply for CalFresh benefits. Unaccompanied homeless

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youths have a right to apply for and receive CalFresh benefits without a parent's or guardian's signature.

63-101.3 Separate Household Status:

Separate household status may be approved for any of the following individuals or groups of individuals:

- A. An individual living alone, or
- B. An individual living with others who customarily purchases food and prepares meals for home consumption separately from those others, or
- C. A group of individuals who live together and customarily purchase food and/or prepare meals together for home consumption.
- D. A woman or woman with children who is/are temporary residents of a shelter for battered women and children. Refer to [63-124](#) for the treatment of women and children living in battered women shelters, or
- E. An individual who is elderly (aged 60 or older) and his/her spouse, living with others, when:
 - 1. The individual is unable to purchase and prepare food separately from the others with whom the individual lives because of a disability considered permanent under the Social Security Act or who suffers from a non-disease related permanent disability; and
 - 2. The income of the others with whom the elderly and disabled individual resides does not exceed 165% of the federal poverty level.

Refer to [63-1104](#), Determination of Separate Household Status for Elderly and Disabled Households and Section [63-114.14](#) for verification of disability.

Note: Certain individuals are required to be in the same CalFresh household whether or not they purchase and prepare separately from the other household members. Refer to [63-101.4](#), Restricted Household Status.

63-101.4 Restricted Household Status:

A. Separate household status will not be approved for any of the following even if they claim to purchase and prepare meals separately:

- 1. Spouses (as defined in [63-100.2](#) above); or
- 2. A person under 22 years of age who is living with his or her natural or adoptive parent (s) or step-parent (s);

*[Refer to [63-101.2](#) to determine children inclusion in the CalFresh household in **joint custody** situations].*

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3. A **minor** child (other than a foster child) under 18 years old who lives with and is under the parental control of a household member who is not his or her parent. ([63-101.2](#)) ;
4. An individual who is 60 years of age or older who is part of a household, but who is unable to purchase and prepare meals because of a disability ([63-1103.2](#)), **when the income** of the others with whom the elderly and disabled individual resides **exceeds 165 percent** of the Federal Poverty Level ([63-1104](#));
5. A boarder as defined in [63-101.8](#)

Note: A foster child placed by a federal, state, or local governmental program in the private home of a relative or other individual or family is considered a boarder. The foster child may be included in CalFresh only at the request of the household providing boarder services and only as a member of that household (Refer to [63-101.7](#));

6. Children of drug addicts or alcoholics who reside at a treatment center as specified in [63-101.9](#).

B. There are no age requirements when applying for the CalFresh program. Youths who are not living with their parents are not required to apply as part of their parent's household.

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63-101.5 Non Household Members:

Non-household members are individuals who are prohibited from being included in the CalFresh household of those persons with whom they reside. The income and resources of non-household members will not be considered available to the household when determining eligibility and benefit level, **except** for cash payments made to the CalFresh household by non-household members.

Non-household members who are otherwise eligible may participate in the CalFresh Program as separate households. The following individuals will be considered non-household members when determining household composition:

- A. **Roomers:** Individuals to whom a household furnishes lodging, but not meals for compensation.
- B. **Live-In Attendants:** Individuals who reside with a household to provide medical, housekeeping, child care or other similar personal services.
- C. **Others:** Individuals who share living quarters with the household but customarily purchase food and prepare meals separately from the CalFresh household

63-101.6 Excluded Household Members:

Excluded household members are individuals who are ineligible to participate in the CalFresh Program. The income and resources of some excluded household members will be considered available to the CalFresh household when determining eligibility and benefit level.

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When determining the CalFresh household composition, an excluded person is considered a member of the CalFresh household, but is excluded from the household size count in determining benefits.

The following group of individuals will be considered as excluded household members when determining household composition:

A. GROUP I

1. **Ineligible Noncitizens:** Individuals who do not meet the citizenship or eligible alien status requirements of [63-154](#).
2. **SSN Disqualified:** Individuals disqualified to participate for refusal or failure, without good cause, to provide or obtain a Social Security Number as required in [63-161](#).

Note for Group I: When determining the CalFresh household composition, an excluded person is considered a member of the CalFresh household, but must be excluded from the household size count in determining benefits. All their resources are counted. Income and expenses are prorated and all but the excluded person's share is counted. Refer to [63-244.2 & 63-244.3](#) for treatment of income and expenses.

B. GROUP II

1. **Intentional Program Violation Disqualified:** Individuals disqualified for committing act(s) of intentional program violation, as specified in [63-453](#).
2. **Workfare Sanctioned:** San Diego County operates an Employment and Training Program rather than a Workfare Program. Therefore individuals disqualified for noncompliance with the Employment and Training Program will be treated as Workfare Sanctioned.
3. **Fleeing Felons and Probation/Parole Violators:** Individuals who are fleeing felons or probation/parole violators.
4. **Convicted Drug Felons:** Effective April 1, 2015, individuals with a Drug Felony conviction will no longer be excluded from CalFresh, as long as the individual is in compliance with the terms of his or her probation or parole (if any).

Note for Group II: Income, expenses and resources of people in this group are counted in their entirety to the eligible household. Refer to [63-244.1](#).

C. GROUP III

1. **SSI/SSP Recipients:** Individuals receiving Supplemental Security Income/State Supplementary Program (SSI/SSP) payments are not eligible to receive CalFresh benefits. Most California SSI/SSP recipients receive as part of their SSI/SSP benefit a cash amount instead of CalFresh benefits. Periods of non-receipt **or** suspension of SSI/SSP payments do not restore CalFresh eligibility.

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SSI/SSP recipients will be included as a member of the household for purposes of household composition but excluded from the household for the purpose of determining household size, eligibility or benefit level (Refer to [63-244.3](#)).

- Ineligible Students:** Individuals enrolled in an institution of higher education are ineligible unless they meet the student exemption requirements identified in [63-162.2](#).

Note for Group III: Any resource owned exclusively by the SSI/SSP recipient is not counted. Income and expenses of the SSI/SSP recipient are considered not available to the household unless the SSI/SSP recipient makes a cash contribution to the household and/ or share in the expenses.

No resources owned exclusively by the student are counted. Their Income and expenses are considered unavailable to the household unless the student makes a cash contribution to the household and/or share in the expenses.

D. GROUP IV

- Work Requirement Disqualified:** Individuals disqualified for noncompliance with the work requirements of [63-158](#) including Employment and Training disqualifications.

Note for Group IV: their income, expenses and resources are counted in their entirety to the eligible household.

Refer to [63-221.8](#) to clarify the treatment of income/resources for an excluded household member, who is excluded for more than one reason.

63-101.7 Foster Care Children or Approved Relative Caregiver (ARC) Program:

A. Foster Care or ARC children placed by a federal, state, or local governmental program in the private home of a relative, or other individual, are considered boarders. Boarders may participate in CalFresh as a member of the household at the household's request.

If the household chooses to:

- 1. Exclude the Foster Care or ARC child:**

The Foster Care payments will be excluded as income to the household.

- 2. Include the Foster Care or ARC child:**

The Foster Care child will be considered an eligible household member and the entire Foster Care or ARC payment will be counted as income to the household.

Refer to [63-223.3](#) and [63-224.14](#).

B. Extended Foster Care Program (AB 12)

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Non-Minor Dependent (NMD) children receiving CalWORKs under the Extended Foster Care Program (AB 12) are also considered boarders in the relative caretaker household. Therefore the CalWORKs payment received by NMD children shall be:

1. Countable income in the CalFresh budget if the caretaker chooses to include the NMD child. Refer to [63-224.14](#).
2. Excluded as income to the household if the caretaker chooses to exclude the NMD child. Refer to [63-223.3](#).

Refer to CalWORKs Program Guide [Letter No #260](#) and CalWORKs Program Guide [40-100-T](#)

C. Foster Care Wraparound Services

The "Foster Care Wraparound Services" program was created to permit children who ordinarily would be placed in foster homes or group homes to remain in their own homes. Children who participate in the "Foster Care Wraparound Services" program are not considered Foster Care children, even though Foster Care Program funds are used to provide services to these children.

Services provided to such families are not counted as income. Also, in instances where the County makes payments to a vendor or a third party on behalf of the household for an expense, such a vendor payment is excluded as income under this same section.

However, any cash paid directly to the CalFresh household is treated as income.

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D. KIN-GAP

For CalFresh purposes, children receiving Kin-GAP will be treated the same as children who receive Aid to Families with Dependent Children – Foster Care (AFDC-FC) benefits.

63-101.8 Boarders:

A. Commercial Boarding Houses

Residents of commercial boarding houses are ineligible to participate in the CalFresh Program under any circumstances. A commercial boarding house is an establishment **licensed** as a commercial enterprise offering meals and lodging for compensation.

B. Non-Commercial Residences (not licensed/private homes)

Boarders are individuals residing with the household and paying reasonable compensation to the household for lodging **and** meals (excluding residents of a commercial boarding house). A reasonable monthly payment will be either of the following:

1. Where board arrangement is for more than two meals per day, the boarder will pay an amount which equals or exceeds the maximum allotment for the number of boarders, or;
2. Where board arrangement is for two meals or less per day, the boarder will pay an amount which equals or exceeds two thirds of the maximum allotment for the number of boarders.

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Boarders are ineligible to participate in the CalFresh Program **unless** the household requests the boarder to be included. See [63-243](#) for treatment of income from boarders.

The household with which the boarder resides (including the household of the proprietor of a boarding house) may participate in the program, if the household meets all the eligibility requirements. If the household of the proprietor chooses to exclude the boarder(s), the income and resources of the excluded boarders are not counted. However, the amount of payment that a boarder gives to a household for lodging and meals is treated as self-employment income to the household as described in [63-243](#).

C. The following people are **NOT** considered to be boarders:

1. Children under 18 years old (except foster children) under parental control of a member of the household; or
2. Parents living with their natural, adopted or stepchildren **or** children living with their natural, adopted, or stepparents, even if one parent is elderly or disabled; or
3. A spouse of a member of the household; or
4. Siblings (except for foster children) living with their natural, adopted, half or stepbrothers and sisters, even if one of the siblings is elderly or disabled.

Boarders should not be confused with roomers as defined above in [63-101.5](#) who are only paying for lodging.

63-101.9 Residents of Institutions:

A. Residents of institutions are ineligible to CalFresh.

1. Individuals are considered residents of an institution when the institution provides them with the majority of their meals (over 50% or three meals a day) as part of the institution's normal services.

Examples of institutions include Job Corps, hospitals, jails and nursing homes.

2. Individuals who are in jail or prison for more than 30 days are ineligible to CalFresh.

Any time the HSS becomes aware that a household member is incarcerated, they should verify the information and discontinue benefits for the individual if the stay has lasted, or is expected to last, over 30 days.

7CFR 272.13(a)

B. Exemptions: The following individuals will not be considered residents of institutions:

1. Residents of federally subsidized housing for the elderly.

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2. Narcotic addicts or alcoholics residing in a facility or treatment center for the purpose of participation in a drug or alcohol treatment and rehabilitation program.

Refer to [63-123](#) for the treatment of residents of drug or alcoholic treatment and rehabilitation centers.

3. Children (not the spouses) of residents of drug and alcohol treatment centers who reside with their parent(s) in a residential substance abuse treatment center.

4. Disabled or blind individuals residing in group living arrangements receiving benefits under Title II of the Social Security Act. Refer to [63-123](#) for the treatment of residents of group living arrangements.

5. A woman, or a woman with her children, temporarily residing in shelters for battered women. They are considered individual households for purpose of applying for and participating in CalFresh.

Refer to [63-124](#) for the treatment of residents of battered women shelters.

6. Residents of public or private nonprofit shelters for the homeless.

Note: Homeless meal providers cannot act as authorized representatives for homeless CalFresh recipients.

63-101.10 Head of Household:

The term “head of household” means the person in whose name the application is made. The household may designate any responsible household member to serve as head of household.

Where there is no adult eligible to be included in the CalFresh household, the head of household may be a non-household member, excluded household member, or any adult responsible for the minor household members. A minor may be the head of household if not living with an adult or if determined not be under parental control per the restricted minor definition (Refer to [63-101.4D](#) above).

In the event that the only adult living with a CalFresh household is classified as a non-household or excluded household member, the head of household, spouse, or any other responsible member of the household may designate an authorized representative to act on behalf of the household in one or all of the following capacities:

- Applying for benefits;
- Obtaining the Electronic Benefit Transfer (EBT) card; or
- Buying food with the EBT card.

(Refer to [63-113.1](#))

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63-101.11 Food Distribution Program:

No household will be allowed to participate simultaneously in the CalFresh Program and Food Distribution Program.

Refer to [63-166](#) for policy concerning the “Food Distribution Program on Indian Reservations”.

63-101.12 Participation Of Strikers:

A. A striker is defined as anyone involved in a strike or concerted stoppage of work by employees or any concerted slowdown or interruption of operations by employees. Included in the definition of a concerted stoppage of work is a stoppage by reason of the expiration of a collective-bargaining agreement. [63-158](#)

Households with striking members are ineligible to participate in CalFresh unless the household was eligible for CalFresh the day before the strike and is otherwise eligible at the time of application.

B. Exception: The following people are not considered strikers:

1. Employees whose workplace is closed by an employer in order to resist demands of employees (a lockout).
2. Non-striking employees unable to work as a result of striking employees.
3. Employees not wanting to cross a picket line due to fear of personal injury or death.
4. Individuals exempted from work registration per Work Registration Requirements ([63-158](#)).
5. Employees whose employers have hired permanent replacements for the striking employees' jobs. The fact that the striking employees are offered other jobs does not affect their status as they must be able to return to the same job.

Refer to Section “Work Registration” [63-158](#) for Strikers work registration requirement.

C. Determining Eligibility at Application

To determine if a CalFresh household with a striker member is eligible to CalFresh:

1. Determine CalFresh eligibility prior to the strike, and
2. Determine current CalFresh eligibility.

The household's pre-strike income eligibility will be determined first. If the household's income was within the applicable gross and net limits as of the day **before** the strike, determine the household's current eligibility.

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Step	Action
1	<ul style="list-style-type: none"> • Determine pre-strike income eligibility by considering the day before the strike as the day of application and assuming the strike did not occur; • Allow all applicable deductions including the earned income deduction <p>⇒ The CalFresh application will be denied if the household is over the maximum gross or net income limit, as of the day before the strike.</p> <p>If the household is eligible, go to step 2.</p>
2	<p>a. Determine the household's current eligibility;</p> <p>b. Compare the striking member's current income to his or her income as of the day before the strike;</p> <p>c. Determine which income is the highest.</p>
3	<ul style="list-style-type: none"> • Add the higher of the two amounts (from step 2) to all non-striking household member's current income; • Allow all applicable deductions including the earned income deduction. <p>To be eligible, the household must meet the gross and (if applicable) net income limits for the appropriate household size.</p>

D. Determining Eligibility for Continuing Households

Follow [63-251](#) "Determining Eligibility at Application" to determine benefits and eligibility for continuing households when a member becomes involved in a strike. Use either the pre-strike income or the striker income, whichever is higher. The household may not receive an increased allotment as the result of a decrease in the income of the striking member(s) of the household.

E. Required Verification

For the purpose of determining eligibility and benefit levels in accordance with [63-117](#), the household has the responsibility to provide at the time of application verification of

1. Income prior to the involvement in the strike action and
2. Any anticipated income during the strike

The CF 285 is used to gather information regarding the household's circumstances on the last day that the Striker worked before the strike. The household must provide verification of the following circumstances if questionable:

1. Employees have been locked out,

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2. Employees are prevented from working due to other striking employees, or
3. Crossing the picket line is a threat to physical safety.

F. Work Registration for Strikers

Strikers shall be subject to the Work Registration requirements unless exempt under [63-158.3](#) Work Registration Exemptions and Deferrals.

Note: Regardless of the length of the strike, Striker status ends only when the household returns to the job, retires, quits, is locked out, or is fired.

Procedure:

Do not deny a CalFresh application when an applicant applies separately, but lives with others who **MUST** be included in the CalFresh household with the applicant. Continue processing the application and:

1. Inform the applicant that the other persons living with him/her **MUST** be included in the CalFresh household, and
2. Request information and verification of the other people in the home and continue processing the application for the entire CalFresh household following regulations as explained in [63-109](#).

The applicant may withdraw the application if he or she does not wish to apply for the entire household (or for any other reason). If the applicant does not wish to withdraw the application, but [refuses](#) or fails to provide the information and verification on other household members needed to determine eligibility, deny the application for failure to provide information.

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Other Program Impacts:

None

References:

[ACL No. 14-100](#)
[MPP 63-503.44](#)

Sunset Date:

This policy will be reviewed for continuance on or by 10/31/2018

Release Date:

10/16/2015